

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FARENCO SHIPPING CO. LTD.

Plaintiff,

- against -

AQUAVITA INTERNATIONAL S.A.

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/18/08

08 CV 4882 (WHP)
ECF CASE

STIPULATION AND ORDER DIRECTING RELEASE OF ATTACHED FUNDS

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, Farenco Shipping Co. Ltd., ("Plaintiff") and Defendant, Aquavita International S.A., ("Defendant"), through their undersigned counsel, as follows:

WHEREAS, on or about May 3, 2008 this action was commenced by Plaintiff against Defendant; and

WHEREAS, on or about June 3, 2008 the Court issued an ex parte order of maritime attachment that authorized the restraint of Defendant's funds within the District in an amount up to \$3,660,000.00, and

WHEREAS, garnishee bank Deutsche Bank has attached Defendant's property within the District in the amount of \$1,002,507.02 (the "Deutsche Bank Funds") pursuant to the ex parte order of maritime attachment; and

WHEREAS, garnishee bank Citibank has attached Defendant's property within the District in the amount of \$23,980.00 (the "Citibank Funds") pursuant to the ex parte order of maritime attachment; and

WHEREAS, Plaintiff and Defendant have agreed that the Deutsche Bank Funds should be released from attachment at Deutsche Bank and transferred into an interest bearing escrow account pursuant to joint instructions, to be provided to Deutsche Bank by the undersigned attorneys for Plaintiff and the undersigned attorneys for Defendant;

WHEREAS, Plaintiff and Defendant have agreed that the Citibank Funds should be released pursuant to original wire instructions;

IT IS HEREBY STIPULATED AND AGREED, between Plaintiff and Defendant, through their respective undersigned counsel, that Deutsche Bank shall release those funds pursuant to joint written instructions to be provided by the undersigned attorneys for the Plaintiff and the undersigned attorneys for the Defendant in order that they may be deposited into an interest bearing escrow account and that Citibank shall release those funds pursuant to original wire instructions and that any other garnishee that may be holding Defendant's property pursuant to the Court's ex parte order of maritime attachment shall release those funds pursuant to joint written instructions to be provided by the undersigned attorneys.

Dated: August 13, 2008
New York, New York

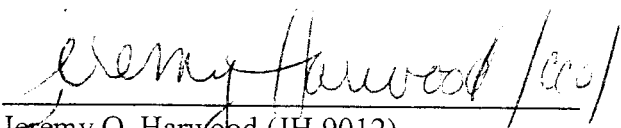
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

8/15/08

The Plaintiff,
FARENCO SHIPPING CO. LTD.

By:


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- AND -

The Defendant,
AQUAVITA INTERNATIONAL, S.A.

By:


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